



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 3, 1997

Mr. John Steiner  
Assistant City Attorney  
City of Austin  
Department of Law  
P.O. Box 1088  
Austin, Texas 78767-8828

OR97-0227

Dear Mr. Steiner:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103316.

The City of Austin (the "city") received a request for the following information:

- (1) any and all confessions to [the Yogurt Shop murders]
- (2) a list of suspects who were interviewed and the disposition of the suspects
- (3) the autopsy reports of the murder victims

You assert that the city may not disclose the autopsy reports because these reports have been ordered sealed by the 299th District Court of Travis County. You also assert that the other information requested is excepted from disclosure pursuant to section 552.108 of the Government Code.

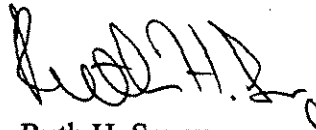
Section 552.107(2) of the Government Code provides that information is excepted from required disclosure under the Texas Open Records Act, chapter 552 of the Government Code, if "a court by order has prohibited disclosure of the information." You have provided to this office a court order, dated December 9, 1991, that seals the autopsy reports and findings concerning Eliza Thomas, Jennifer Harbison, Sarah Harbison, and Amy Ayers. We agree that, to the extent this court order applies to the autopsy records held by the city, section 552.107(2) provides an exception from required disclosure under chapter 552 of the

Government Code. We note, however, that section 11 of article 49.25 of the Texas Code of Criminal Procedure provides that the autopsy report, including the full report and detailed findings of an autopsy, are public records. *See* Open Records Decision No. 529 (1989) at 4.

As to the remaining records at issue, we agree that section 552.108 is applicable to those records. Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime." and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). The city thus may withhold from disclosure the remaining records at issue.<sup>1</sup> We note that the city also has the discretion to release these records. *See* Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision.<sup>2</sup> This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 101123

Enclosures: Submitted documents

cc: Ms. Karen Smith  
KTBC-TV  
P.O. Box 50018  
Austin, Texas 78763  
(w/o enclosures)

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<sup>1</sup>We assume that the city has already released the front page offense report information. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

<sup>2</sup>Since the records at issue may be withheld pursuant to section 552.108, we need not address your section 552.103(a) argument.